

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Regarding: Charles O. Townley -- Serial No. 10/758,455  
Filing Date 01/15/2004 -- Docket No. THUMB-604DIV  
Entitled MODULAR BASAL THUMB JOINT IMPLANT

Request to Complete the Record for  
Applicant-Appellant as Appropriate  
and to Insure Action in the Appeal

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OCT 28 2010

Attention: On Appeal from Group Art Unit 3738  
Primary Examiner Brian E. Pellegrino

Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450:

I certify that this correspondence is facsimile-transmitted  
to the Patent and Trademark Office (571-273-8300) on 28 OCT 2010:

Christopher John Rudy: Christopher John Rudy 10/28/2010.

Thank you for the telephone message of this October 22nd from  
Examiner Pellegrino, in light of the Request to Act Upon Case on  
Appeal filed on October 12, 2010. Examiner Pellegrino conveyed  
that the Reply Brief of Appellant filed on July 23, 2009 was  
received and was in PALM.

There are, nonetheless, other papers known to the undersigned  
to be of record, with the lingering delay remaining, since then:

08/17/2010 Office communication (PAPER 20090815), which  
was to correct an error to the date of action, and  
acknowledge consideration and entry of the Reply  
Brief of Appellant filed on July 23, 2009.

09/16/2009 ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER.

09/22/2009 Office communication (PAPER 20090922), which was  
to incorporate some additions to the Examiner's Answer.

Incorporation of Reply Brief for Appellant filed on  
October 5, 2009.

Request to Act Upon Case on Appeal filed on October 12, 2010,  
which inquired as to the lingering delay and requested  
prompt action in the appeal.

Please, if there is any other paper of record than those  
identified above since the filing of the Reply Brief of Appellant  
on July 23, 2009, promptly transmit the same to the undersigned.  
And, if any of the above papers are not found of record at the  
Office, promptly inform the undersigned so that he may supply the  
Office copies. Finally, PLEASE ACT UPON PAPERS of those from the  
Applicant-Appellant, DOCKET AND ACT UPON THE APPEAL forthwith,  
and promptly inform the undersigned in writing of the same.

Respectfully submitted,

Date: October 28, 2010 A.D.

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